

**Meeting Summary**  
**Abandoned Vessels Removal Discussion Group**  
**Facilitated by the Delta Protection Commission**  
**May 31, 2011, Walnut Grove Library**

The meeting was called to order at 11:00 a.m. by Michael Machado, Executive Director of the DPC.

Meeting Attendance

Participants included representatives from Solano, Sacramento, and Contra Costa Counties, the Coast Guard, state level representatives, boating organizations, Legislative staff, and Delta residents and stakeholders having an interest in addressing the issue of abandoned vessels in the Delta.

Identify the Resources Available for Removing Vessels

Denise Peterson of the Department of Boating and Waterways discussed two funding opportunities available for local public agencies; the Abandoned Vessels Abatement Fund Grant and the Vessels Turn-In Program. Ms Peterson discussed the logistics of the different programs, including who can apply, how much money, and the qualifications for removal of the vessels. The abatement grant can only be administered to local public agencies, such as a county sheriffs department or a city council. However, a private party wishing to remove the vessels can work with a local agency to receive the grant. The grant requires a 10 percent matching fee from the local agency which can come from an in-kind donation. There is approximately \$500,000 available for grants for removing vessels. Additionally, the grants are administered according to priority, determined by the vessel's nuisance, and environmental and/or chemical hazards.

Another program discussed is the Department of Boating and Waterways Vessel Turn-In Program. The program was initiated in 2010 and established as a pilot program to help alleviate the problem of abandoned vessels by capturing boats before they become abandoned. The program allows local agencies to accept surrendered vessels from the public who have no other means of disposal. The owners must sign a release of interest for the vessel and the local agency then accepts and initiates disposal. The agency is then reimbursed for their costs minus the 10 percent required match. A difficulty associated with this program is that not all agencies have trailers to move vessels or close access to disposal yards.

Peter Pelkofer from the State Lands Commission presented the Commission's legislative proposal, Senate Bill 595, which can streamline the process to adjudicate vessels. The bill proposes the Commission remove and dispose abandoned and trespassing vessels on State Lands through an administrative process. The abandoned vessels will be identified and a posted notice will be placed on the vessels to inform the owners that they have 30 days to remove the boat. If the owner refuses or does not respond the removal can be approved by the Commission and the boat disposed.

Identify the Hurdles

Through out the meeting participants outlined hurdles and obstacles for removing the vessels. One major hurdle is the required due process to notify vessel owners. All removal programs require that the owner must be notified; however, many of the vessels have clouded title and the appropriate owners cannot be identified. For the Sheriffs to remove the vessels the boat owners must sign over the title to release them from liability; however, if the owner does not sign the title after 30 days, then the DMV can begin to turn over the title.

Another major hurdle identified was the sheriff departments' ability to participate in the available programs. The sheriff departments stated they are willing to participate, but obtaining the 10 percent matching fee is difficult. Additionally, many of the sheriff departments are not logistically set up to prioritize in removing vessels. Most sheriff departments are underfunded and understaffed, making it extremely difficult to address the problems. The Sheriffs also identified local ordinances that cause roadblocks to remove the vessels. The ordinances include identifying the condition of the boats, whether there is hazardous material on board, whether the boat is used as recreational or commercial, etc., and then working with the appropriate agencies, such as the Coast Guard, Cal-Recycle, to clear out the vessels. Some of these local ordinances include Sacramento County Health and Sanitation Code which requires for vessels to meet minimum requirements for seaworthiness, permit compliance, and moorage compliance, San Joaquin County Water Safety Code requires the boat to be moored for 15 days and there are restrictions for whether boats can be determined a houseboat or a liveaboard, and Yolo County Park and Recreation Code only states that is unlawful for boats to obstruct a water passage, but nothing about the sheriff's ability to remove the boat.

#### Opportunities for Streamlining

Participants discussed opportunities to streamline codes, ordinances, and state processes to ease the problems for removing vessels. State representatives discussed working together to amend legislation to streamline bill proposals to apply to all parties involved. Participants also discussed working on the Federal level with the Environmental Protection Agency to address commercial vessels, clearing the title, working with local coding, and expanding beyond the local entities limited jurisdictions. It was also discussed that it would be helpful if there was a "one stop" shop for determining if a vessel was recreational or commercial (for referring to the appropriate agency) and for adjudicating title. This could also act a resource to identifying potential funding and partners.

#### Successful Programs in the Delta

Ken Stuart from Cal-Recycle discussed the agency's effort to remove vessels that are harmful to the health and safety of California's environment. In 2009 and 2010 Cal-Recycle spent \$850,000 to help clean up boats in the Delta through grants administered from the Solid Waste Disposal Clean up Program. The monies go to local entities to help clean up illegally abandoned vessels with hazardous materials onboard. The grant does not require a matching fee and applies to larger commercial and recreational vessels.

Contra Costa County Sheriff Officer Heather Transue updated the group on Contra Costa's Preventative Turn-In Program. The program includes working with the owners to turn over the title of their vessels to prevent the boat from being abandoned and then the sheriffs recycle the vessels. Officer Transue reported the program is very successful; however, is a challenge for the department to address every boater wishing to participate.

#### Meeting Conclusions

##### Resources:

- There are opportunities for private parties and local entities to partner together to apply for grants with the Department of Boating and Waterways and Cal-Recycle.
- State Lands Commission is proposing legislation for the authority to remove abandoned vessels under their jurisdiction. Boating and Waterways and locals should explore working with State Lands Commission to expand the jurisdiction proposed in SB 595 to assist all agencies in adjudication.

- Federal EPA can assist in removing commercial vessels.

#### Hurdles and Obstacles:

- Identifying the vessel owners and moving through the required due process.
- Funding the 10 percent required matching fee for the Department of Boating and Waterways grants.
- Entities involved in removing vessels are charged only to address and handle certain issues which do not always clear-up the problems. A central clearing house may be able to coordinate efforts to effect a vessel removal without duplication of effort.

#### Streamlining

- State entities can work together to amend legislation and grants to apply to everyone.
- Entities should work to achieve a consensus/ master list to identify how many and which vessels need to be removed.
- All processes for vessel removal need to be shortened to help alleviate the financial burden of removing the vessels.
- A one stop shop with participation by representatives of the effected agencies could speed up the process and reduce duplicaton.

#### Successful Programs

- Preventive Turn-In programs help remove vessels before they become abandoned.
- Programs need to be a one-stop course for the owners to turn over the title and release them from liability.

Meeting adjourned at 12:30 p.m.